

Available Procedures for Continued Treatment of an Objecting Minor Age 14 or Older

In the event a minor 14 years of age or older (i) objects to inpatient admission to a willing mental health facility; or (ii) is incapable of making an informed decision about such admission, there are three procedures by which you, as the minor's parent or guardian, may request continued treatment. These are:

1. Parental Admission of an Objecting Minor 14 Years of Age or Older, Virginia Code § 16.1-339

You may admit your minor to a willing facility for up to 120 hours, pending:

- a. Examination within 24 hours of admission by a qualified evaluator designated by the Community Services Board (CSB), who must make findings that the minor:
 - i. Appears to have a mental illness serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment;
 - ii. Has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and
 - iii. All available less restrictive methods of treatment have been considered and none would offer comparable benefits; and
- b. Review by a juvenile and domestic relations court judge, who will consider your views, the minor's views, the evaluation report, and other evidence. The minor will have a guardian ad litem ("GAL") and an attorney appointed. At the end of this review, the judge may either (1) direct the facility to release the minor back to your custody; (2) issue an order authorizing the minor to remain hospitalized for up to 90 days based on your consent alone; or (3) schedule a commitment hearing for the minor, which must be held within 120 hours and in accordance with 3, below.

2. Involuntary Temporary Detention, Virginia Code § 16.1-340.1

You, or someone on your behalf, may file a petition with a magistrate asking for a temporary detention order (TDO) to detain your minor in a willing facility designated by the CSB for up to 96 hours to initiate treatment and determine whether the minor needs to be admitted longer. Prior to issuing a TDO:

- a. An employee of the CSB must conduct an evaluation of the minor; and
- b. The magistrate must find probable cause to believe that the minor meets the involuntary civil commitment criteria that:
 - i. Because of mental illness, the minor (a) presents a serious danger to himself or others to the extent that severe or irremediable injury is likely to result, as evidenced by recent acts or threats, or (b) is experiencing a serious deterioration in his ability to care for himself in an age-appropriate manner, as evidenced by delusional thinking or by a significant impairment of functioning in hydration, nutrition, self-protection, or self-control; and
 - ii. The minor is in need of compulsory treatment for mental illness and is reasonable likely to benefit from the proposed treatment.

3. Involuntary Civil Commitment, Virginia Code § 16.1-345

After a prescreening by the CSB, a detailed clinical evaluation, and a full evidentiary hearing in which your minor will be represented by both a GAL and an attorney, a judge may order that your minor be committed to a willing mental health facility designated by the CSB for up to 90 days if he finds by clear and convincing evidence that the involuntary civil commitment criteria (set forth in 2(b) above) are met. If the judge finds that inpatient treatment is not the least restrictive treatment, he may order mandatory outpatient treatment instead, if certain conditions are met. You have the right to be heard during this process, but your minor may be committed even if he, or you, do not necessarily agree with the judge's decision.